

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDDIE L. DILLARD,

Petitioner,

vs.

Case No. 03-cv-71269

HON. GEORGE CARAM STEEH

SHERRY BURT,

Respondent.

_____ /

ORDER DENYING PETITIONER'S MOTION FOR RECLARITORY
RELIEF (DOC. 108) AND APPLICATION TO PROCEED WITHOUT
PREPAYING FEES OR COSTS (DOC. 109)

Petitioner Eddie Dillard filed a petition for writ of habeas corpus on April 1, 2003. (Doc. 1). The Court denied Dillard's petition on June 2, 2004. (Doc. 40). Dillard thereafter filed numerous post-judgment motions arguing that his 1997 state court convictions and sentence should be vacated because the Michigan Office of Secretary of State was not in possession of a public record indicating that the presiding state court judge had been administered an oath of office. This Court and the Court of Appeals for the Sixth Circuit rejected Dillard's argument on multiple occasions. On

September 29, 2015, this Court entered an order prohibiting Dillard from filing any further motion for relief from judgment in this case, denying a certificate of appealability, and denying leave to appeal *in forma pauperis*. (Doc. 90).

On May 4, 2018, Dillard filed a notice of appeal, (Doc. 106), a motion for “reclaritory relief,” (Doc. 108), and an application to proceed without prepaying fees or costs, (Doc. 109). Dillard’s motion for “reclaritory relief” raises the same arguments regarding the presiding state court judge’s oath of office. Dillard’s motion is DENIED pursuant to the Court’s September 29, 2015 order that prohibits him “from filing any motion or request for relief from judgment in this case based on the same arguments that have been rejected.” (Doc. 90 at PageID 359). Dillard’s application to proceed without prepaying fees or costs in his appeal of an unspecified 2015 order is likewise DENIED pursuant to the Court’s September 29, 2015 order.

Based on the preceding orders in this case, this court certifies that any appeal from this decision would be frivolous, not in good faith and, therefore, pursuant to 28 U.S.C. § 1915(a)(3), may not be taken *in forma pauperis*. Nor has petitioner made a substantial showing of the denial of a constitutional right. Accordingly, a certificate of appealability is DENIED and

petitioner is DENIED leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

Dated: May 17, 2018

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 2, 2018, by electronic and/or ordinary mail and also on Eddie Dillard #254178, Earnest C. Brooks Correctional Facility 2500 S. Sheridan Drive, Muskegon Heights, MI 49444.

s/Barbara Radke
Deputy Clerk